

110TH CONGRESS
1ST SESSION

H. R. 644

To facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2007

Mr. GARY G. MILLER of California (for himself, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. BACHUS, Ms. WATERS, Mr. KANJORSKI, Mr. SOUDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McHUGH, Mr. PASCRELL, Mr. SHAYS, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brownfields Redevelop-
5 ment Enhancement Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) returning the Nation's brownfield sites to
2 productive economic use could generate more than
3 550,000 additional jobs and up to \$2,400,000,000
4 in new tax revenues for cities and towns;

5 (2) redevelopment of brownfield sites and reuse
6 of infrastructure at such sites will protect natural
7 resources and open spaces;

8 (3) lack of funding for redevelopment is a pri-
9 mary obstacle impeding the reuse of brownfield sites;

10 (4) the Department of Housing and Urban De-
11 velopment is the agency of the Federal Government
12 that is principally responsible for supporting commu-
13 nity development and encouraging productive land
14 use in urban areas of the United States;

15 (5) grants under the Brownfields Economic De-
16 velopment Initiative of the Department of Housing
17 and Urban Development provide local governments
18 with a flexible source of funding to pursue
19 brownfields redevelopment through land acquisition,
20 site preparation, economic development, and other
21 activities;

22 (6) to be eligible for such grant funds, a com-
23 munity must be willing to pledge community devel-
24 opment block grant funds as partial collateral for a
25 loan guarantee under section 108 of the Housing

1 and Community Development Act of 1974, and this
2 requirement is a barrier to many local communities
3 that are unable or unwilling to pledge such block
4 grant funds as collateral; and

5 (7) by de-linking grants for brownfields develop-
6 ment from section 108 community development loan
7 guarantees and the related pledge of community de-
8 velopment block grant funds, more communities will
9 have access to funding for redevelopment of
10 brownfield sites.

11 (b) PURPOSE.—The purpose of this Act is to provide
12 cities and towns with more flexibility for brownfields devel-
13 opment, increased accessibility to brownfields redevel-
14 opment funds, and greater capacity to coordinate and col-
15 laborate with other government agencies—

16 (1) by providing additional incentives to invest
17 in the development and redevelopment of brownfield
18 sites; and

19 (2) by de-linking grants for brownfields develop-
20 ment from community development loan guarantees
21 and the related pledge of community development
22 block grant funds.

1 **SEC. 3. BROWNFIELDS DEVELOPMENT INITIATIVE.**

2 Title I of the Housing and Community Development
3 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
4 ing at the end the following new section:

5 **“SEC. 123. BROWNFIELDS DEVELOPMENT INITIATIVE.**

6 “(a) IN GENERAL.—The Secretary may make grants
7 under this section, on a competitive basis as specified in
8 section 102 of the Department of Housing and Urban De-
9 velopment Reform Act of 1989 (42 U.S.C. 3545), only to
10 eligible public entities (as such term is defined in section
11 108(o) of this title) and Indian tribes for carrying out
12 projects and activities to assist the development and rede-
13 velopment of brownfield sites, which shall include mine-
14 scarred lands.

15 “(b) USE OF GRANT AMOUNTS.—Amounts from
16 grants under this section—

17 “(1) shall be used, as provided in subsection (a)
18 of this section, only for activities specified in section
19 108(a);

20 “(2) shall be subject to the same requirements
21 that, under section 101(c) and paragraphs (2) and
22 (3) of section 104(b), apply to grants under section
23 106; and

24 “(3) shall not be provided or used in a manner
25 that reduces the financial responsibility of any non-
26 governmental party that is responsible or potentially

1 responsible for contamination on any real property
2 and the provision of assistance pursuant to this sec-
3 tion shall not in any way relieve any party of liabil-
4 ity with respect to such contamination, including li-
5 ability for removal and remediation costs.

6 “(c) AVAILABILITY OF ASSISTANCE.—The Secretary
7 shall not require, for eligibility for a grant under this sec-
8 tion, that such grant amounts be used only in connection
9 or conjunction with projects and activities assisted with
10 a loan guaranteed under section 108.

11 “(d) APPLICATIONS.—Applications for assistance
12 under this section shall be in the form and in accordance
13 with procedures as shall be established by the Secretary.

14 “(e) SELECTION CRITERIA AND LEVERAGING.—The
15 Secretary shall establish criteria for awarding grants
16 under this section, which may include the extent to which
17 the applicant has obtained other Federal, State, local, or
18 private funds for the projects and activities to be assisted
19 with grant amounts and such other criteria as the Sec-
20 retary considers appropriate. Such criteria shall include
21 consideration of the appropriateness of the extent of finan-
22 cial leveraging involved in the projects and activities to
23 be funded with the grant amounts.

24 “(f) DEFINITION OF BROWNFIELD SITE.—For pur-
25 poses of this section, the term ‘brownfield site’ has the

1 meaning given such term in section 101(39) of the Com-
 2 prehensive Environmental Response, Compensation, and
 3 Liability Act of 1980 (42 U.S.C. 9601(39)). Such term
 4 includes a site that meets the requirements under sub-
 5 paragraph (D) of such section for inclusion as a
 6 brownfield site for purposes of section 104(k) of such Act
 7 (42 U.S.C. 9604(k)).

8 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated for grants under this
 10 section such sums as may be necessary for each of fiscal
 11 years 2008 through 2012.”.

12 **SEC. 4. CLARIFICATION OF BROWNFIELDS REDEVELOP-**
 13 **MENT AS ELIGIBLE CDBG ACTIVITY.**

14 (a) TECHNICAL CORRECTION.—Subsection (a) of sec-
 15 tion 105 of the Housing and Community Development Act
 16 of 1974 (42 U.S.C. 5305(a)) is amended—

17 (1) by striking paragraph (24) and all that fol-
 18 lows through the end of the subsection and inserting
 19 the new paragraph (24) inserted by section 2(3) of
 20 Public Law 108–146 (117 Stat. 1883);

21 (2) by adding at the end (after the paragraph
 22 added by paragraph (1) of this subsection) the new
 23 paragraph (20) added by section 907(b)(1)(C) of
 24 Public Law 101–625 (104 Stat. 4388) and redesign-
 25 ating such paragraph as paragraph (25); and

1 (3) by adding at the end (after the paragraphs
2 added by paragraphs (1) and (2) of this subsection)
3 the new paragraph (21) added by section
4 1012(f)(3)) of Public Law 102–550 (106 Stat.
5 3905) and redesignating such paragraph as para-
6 graph (26).

7 (b) BROWNFIELDS REDEVELOPMENT ACTIVITIES.—
8 Section 105(a) of the Housing and Community Develop-
9 ment Act of 1974 (42 U.S.C. 5305(a)), as in effect pursu-
10 ant to subsection (a) of this section, is amended—

11 (1) in paragraph (24) (as added by subsection
12 (a)(1) of this section), by striking “and” at the end;

13 (2) in paragraph (25) (as added by subsection
14 (a)(2) of this section), by striking the period at the
15 end and inserting a semicolon;

16 (3) in paragraph (26) (as added by subsection
17 (a)(3) of this section), by striking the period at the
18 end and inserting “; and”; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(27) economic development and redevelopment
22 activities related to projects for brownfields sites (as
23 such term is defined in section 123(f)), in conjunc-
24 tion with the appropriate environmental regulatory
25 agencies, except that assistance pursuant to this

1 paragraph shall not be provided in a manner that re-
 2 duces the financial responsibility of any nongovern-
 3 mental party that is responsible or potentially re-
 4 sponsible for contamination on any real property and
 5 the provision of assistance pursuant to this para-
 6 graph shall not in any way relieve any party of li-
 7 ability with respect to such contamination, including
 8 liability for removal and remediation costs.”.

9 **SEC. 5. TECHNICAL AMENDMENT TO ALLOW USE OF CDBG**
 10 **FUNDS TO ADMINISTER RENEWAL COMMU-**
 11 **NITIES.**

12 Section 105(a)(13) of the Housing and Community
 13 Development Act of 1974 (42 U.S.C. 5305(a)(13)) is
 14 amended by inserting “and renewal communities” after
 15 “enterprise zones”.

16 **SEC. 6. APPLICABILITY.**

17 The amendments made by this Act shall apply only
 18 with respect to amounts made available for fiscal year
 19 2008 and fiscal years thereafter for use under the provi-
 20 sions of law amended by this Act.

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